

REMARKS

The Office Action of May 8, 2008 has been reviewed and the Examiner's comments carefully considered. The present Amendment modifies claims 1-3, 7, 10, 40 and 49, all in accordance with the originally-filed specification. No new matter has been added. Accordingly, claims 1-58 are pending in this application, and claims 1 and 40 are in independent form.

In the Office Action, the Examiner has objected to the disclosure as failing to include the appropriate section headings. In particular, the Examiner requires that the specification be specifically arranged and include the appropriate titles. Further, the Examiner objects to the specification as failing to disclose the cross reference to related applications (as set forth in the originally-filed Oath/Declaration). Still further, the Examiner objects to the Abstract of the Disclosure as not presented on a separate sheet, apart from any other text. Applicant has carefully reviewed the Examiner's objections and appropriately amended the specification and abstract in accordance with the Examiner's comments. Accordingly, Applicants submit that the Examiner's objections in this regard have been overcome through these modifications and respectfully request withdrawal of the objections to the specification and abstract.

Next, the Examiner objects to claim 7 for including the term "whilst," requesting that this term be modified to the term "while," in order to conform with United States patent practice. Claim 7 has been modified and the term "whilst" changed to "while," and Applicants note that no additional instances for use of the term "whilst" in the dependent claims have been located. Accordingly, Applicants submit that the modification to claim 7 overcomes this objection.

Claims 1-58 stand rejected under 35 U.S.C. § 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner believes that the phrase “each conveyor” in claim 1 is unclear as to whether it is referring to one of the conveyors or to a different conveyor. The Examiner suggests that, if it is referring to the conveyors as set forth in lines 1 and 2 of claim 1, this limitation should be changed to “each of the conveyors,” both in this independent claim and the remaining dependent claims (where mentioned). The Examiner’s suggested modifications have been adopted in full and claims 1-3 and 10 have been modified to address this rejection. Further, with respect to claim 49, the Examiner notes that there is no antecedent basis for the limitation “the first end” in this claim. Claim 49 has also been modified. Therefore, Applicants submit that the above-described modifications to the claims are sufficient to overcome the indefiniteness rejection of claims 1-58, and withdrawal of this rejection is respectfully requested.

Claims 1-6, 35-37, 39, 40-49 and 52-58 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,262,478 to Pentith. Further, claims 3-11, 14-34, 50 and 51 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Pentith patent in view of U.S. Patent No. 4,549,481 to Groeneveld et al. Further, the Examiner is thanked for indicating that the subject matter of claims 12, 13 and 38 define over the prior art of record. In particular, the Examiner notes that these claims would be allowable if rewritten to overcome the indefiniteness rejections and include all of the limitations of the base claim and any intervening claims. Based upon the foregoing amendments and the following remarks, Applicants respectfully request reconsideration of the rejections of claims 1-11, 14-37 and 39-58 in view of the Pentith patent and the Groeneveld patent.

Summary of the Invention

As set forth in independent claim 1 of the present application, as amended, provided is a baling apparatus. In particular, the baling apparatus of the present invention is used in an office environment in connection with a compacting process of shredded paper waste. The apparatus includes at least two first and second mutually opposed and inclined conveyors, each of the conveyors having a first end and a second end. The second ends are arranged to be spaced apart to form a material entry region into which material to be baled is, in use, deposited. The first ends are relatively closely adjacent to each other and apparatuses arranged such that the material deposited into the entry region moves toward a pinch region, where the two conveyors are close to one another and where the deposited material is rolled and compressed into a bale. The conveyors are driven in opposite directions to roll and compact the material between them. Further, the conveyors are mutually displaceable at least at the second ends thereof, which form the material entry region to accommodate increased bale bulk in use. Still further, the conveyors are resiliently biased towards one another.

Independent claim 40 of the present application, as amended, provides a method of baling material, and this method is suitable for use in connection in an office environment in order to compact paperwork. The method includes: (1) depositing material to be baled into an entry region formed between first and second mutually inclined and opposing conveyors; (2) driving the conveyors in opposite directions to roll deposited material between them; and (3) resiliently biasing the conveyors toward one another at a pinch region to compact the deposited material into a bale, and resiliently biasing the conveyors toward one another at a material entry portion to accommodate increased bale bulk, in use.

The Cited Prior Art

The primary reference cited by the Examiner in this Action is the Pentith patent. The Pentith patent is specifically designed and structured as an agricultural machine for use in forming a round bale of fibrous material. As set forth in the Pentith patent, the agricultural machine includes a first, fixed position belt conveyor 12 that provides an active, material carrying surface 13. Further, the baling apparatus includes a first, movable conveyor 19, which is constantly urged to its inner position via springs 22. A second, movable conveyor 24 is provided with an active surface 25 and one end 26 pivotally mounted adjacent a return end 15 of the first, fixed conveyor 12.

On page 8 of the Action, the Examiner admits that the Pentith patent does not teach or suggest an intermediate roller between the end rollers of each of the conveyors. However, the Examiner believes that the Groeneveld patent suggests that it is old and well known to provide a baler with a type of conveyor having at least one intermediate roller, with reference to element 26, between end rollers, with reference to elements 22 and 28. Specifically, the Groeneveld patent is directed to an apparatus to slice a large round bale, and again represents an agricultural machine for use in connection with baled agricultural products. As illustrated in Fig. 3 of the Groeneveld patent, multiple side-by-side belts 20 are carried over transversely extending rollers 22, 24, 26 and 28, with rollers 24, 26 and 28 generally on the periphery of the cylindrically shaped baling zone. The Groeneveld device simply uses conveyors and rollers to spin and otherwise operate on the material, as is well known in the art.

The Cited Prior Art Does Not Teach or Suggest the Apparatus and Method of Claims 1 and 40

First, Applicants note that both the Pentith patent and the Groeneveld patent are directed to commercial, agricultural devices that are specifically for use in a commercial

farming environment. While the present invention is directed to a baling apparatus, it is specifically designed and structured to be used in an office environment to compact shredded paper waste. While the agricultural machines of the Pentith patent and the Groeneveld patent pick up fibrous material from the ground, such that a finished bale may be discharged from a rearward end of the machine, they are clearly not capable of being used in an office environment for use in compacting shredded paper waste or other paperwork. Instead, the claimed invention has been specifically designed and is useful for shredded paper waste in an office environment due to its compact size and simple design. This results in considerable space savings and allows the baling apparatus to be made in a cost effective manner with respect to prior art baling apparatuses intended for agricultural uses. Both independent claims 1 and 40 have been amended to specifically recite this benefit, i.e., “for use in an office to compact shredded paper waste” (claim 1) and “suitable for use in an office to compact paperwork” (claim 40).

One of the features that enables these benefits and advantages to be realized is the use of at least two first and second mutually opposed and inclined conveyors, as specifically set forth in independent claims 1 and 40. With respect to the Pentith patent, Applicants submit that the first conveyor 19 is not mutually opposed to a second conveyor 24. Instead, and specifically for use in connection with receiving and rolling fibrous material, the first conveyor 19 of the Pentith arrangement is mutually arranged to the first, fixed position belt conveyor 12. *See* column 3, lines 43-51. Instead, and as clearly illustrated in Fig. 1 of the Pentith patent, the first conveyor 19 is perpendicular to the second conveyor 24 and is therefore not opposed to in the same manner specifically recited in claims 1 and 40.

Still further, another feature of the claimed invention is the movable material entry region formed by second ends of the first and second mutually opposed and inclined

conveyors. Specifically, independent claim 1 has been modified to more clearly demonstrate this novel and non-obvious feature, now reciting “the conveyors [are] mutually displaceable at least at the second ends thereof which form the material entry region to accommodate increased bale bulk in use” (claim 1) and “resiliently biasing the conveyors toward one another at a material entry region to accommodate increased bale bulk in use” (claim 40). With respect to the Pentith patent, the material entry point of the baling apparatus is between the first conveyor 19 in the fixed position 12. Such an arrangement is clearly described at column 4, lines 5-14 of the Pentith patent. Still further, the first conveyor 19 of the Pentith arrangement has one end 21 pivotally mounted in the vicinity of the pickup device 10. Therefore, Applicants submit that the Pentith patent does not disclose a material entry region that is mutually displaceable to accommodate increased bale bulk in use.

Further, and as set forth in both independent claims 1 and 40, the conveyors are resiliently biased towards one another; specifically, “the conveyors [are]...resiliently biased towards one another” (claim 1) and “resiliently biasing the conveyors toward one another” (claim 40). As illustrated in the figures of the Pentith patent, e.g., Figs. 1-5, the first conveyor 19 is resiliently biased towards the first, fixed position conveyor 12. Therefore, the first conveyor 19 is not resiliently biased towards the second, movable conveyor 24. Accordingly, this represents yet another feature in both independent claims 1 and 40 that is not taught or suggested in the prior art of record, including the Pentith patent and Groeneveld patent.

The Examiner has utilized the Groeneveld patent as a secondary reference with respect to the use of an intermediate roller between the end rollers of each of the conveyors. Apart from the fact that the Groeneveld patent, like the Pentith patent, is directed to an out-of-date, commercial agricultural device, Applicants respectfully submit that the

novel features of the claimed invention cannot be found or derived from the prior art in any obvious manner. The Groeneveld patent is not directed to a baling apparatus that could be used in an office environment to compact shredded paper waste material. Still further, the conveyors in the arrangement of the Groeneveld patent are not mutually displaceable at the second ends thereof, which form the material entry region to accommodate increased bale bulk in use, and are further not resiliently biased towards one another. Instead, and as is well known in the art, the conveyors of the Groeneveld patent are fixed in normal use and pivoted only to discharge a completed bale. *See* column 4, lines 36-37. However, and in any case, Applicants submit that the Groeneveld patent does not overcome the deficiencies set forth in connection with the Pentith patent.

Summary

For the foregoing reasons, independent claim 1 is not anticipated by or rendered obvious over the Pentith patent, the Groeneveld patent or any of the remaining art of record, whether used alone or in combination. There is not hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claim 1 is respectfully requested. Claims 2-39 depend either directly or indirectly from and add further limitations to independent claim 1 and are believed to be allowable for at least the reasons discussed hereinabove in connection with independent claim 1. Therefore, for these reasons, reconsideration of the rejections of claims 2-11, 14-37, 38 and 39 is respectfully requested.

In addition, and for the above reasons, independent claim 40 is not anticipated by or rendered obvious over the Pentith patent, the Groeneveld patent or any of the prior art

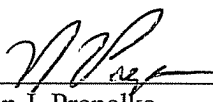
of record, whether used alone or in combination. There is not hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claim 40 is respectfully requested. Additionally, claims 41-58 depend either directly or indirectly from and add further limitations to independent claim 40 and are believed to be allowable for at least the reasons discussed hereinabove in connection with independent claim 40. Therefore, for the above reasons, reconsideration of the rejections of claims 41-58 is respectfully requested.

For all the foregoing reasons, Applicants believe that claims 1-58, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 1-58 are respectfully requested.

To the extent the Examiner maintains these rejections in view of the arguments and discussion presented above, Applicants specifically request an interview with the Examiner to discuss this matter, Applicants' position and to move this case towards allowance.

Respectfully submitted,
THE WEBB LAW FIRM

By


Nathan J. Prepelka
Registration No. 43016
Attorney for Applicants
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com